

## Remarks

Claims 1-3, 5, 8, 12, 14-16 and 18-20 were pending in the application. These claims have been canceled by this amendment, and claims 21-26 have been added.

The previous claims were rejected under 35 USC 103(a) as being unpatentable over the combined teachings of Kwan (6,504,838) and Edholm (6,449,269).

Kwan teaches a system in which there are four modes: voice mode, voice band data mode, fax relay mode and data relay mode (col. 8, lines 19-22). In each mode, the resource manager invokes various services depending upon the mode of the call. It is possible that several different services related to several different modes are possibly set up at the on hook state. The initial configuration of the channel is then a multi-mode configuration, with the all of the various services being set to an off-hook state depending upon the signals from the far end. See col. 9, lines 21-35. ‘The user application layer may then configure various operational parameters of the NetVHD...The user application layer then loads an appropriate signaling service into the NetVHD, configures it and set the NetVHD to the Onhook state. In response to events from the signaling service (not shown)...or signal packets from the far end, the user application will set the NetVHD to the appropriate off-hook state.’

In contrast, new claims 21 and 24 require, “initially setting a voice over packet network channel to voice mode...” as exemplified by claim 21. The initial setting of the NetVHD is ‘every’ mode, where all of the parameters that are to be configured for each mode are set to on-hook. There is no teaching or disclosure that the channel is being specifically transitioned from a voice mode to a modem relay mode in Kwan. Edholm does nothing to overcome this deficiency.

It is therefore submitted that the new claims are patentably distinguishable over the prior art and allowance of these claims is requested. Support for the new claims can be found in several places, among them page 4, line 3 through page 6, line 28.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to the Applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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